



JPW

PATENT  
Customer No. 22,852  
Attorney Docket No. 08364.0025

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Neil PORTER et al. ) Group Art Unit: 1654  
)  
Serial No.: 09/936,726 ) Examiner: Randall O. Winston  
)  
Filed: January 2, 2002 )  
) Confirmation No.: 8955  
For: BIOCHEMICAL SYNTHESIS )  
APPARATUS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated November 2, 2004, the Examiner required restriction under 35 U.S.C. § 121 between Group I – claims 1-13, 32 and 36-49; Group II – claims 14-16 and 33; Group III – claims 17-19 and 34; Group IV – Claims 20 and 25; Group V – claims 21-24 and 35; and Group VI – claims 26-31 and 50-57. Applicants provisionally elect to prosecute Group I, claims 1-13, 32 and 36-49 with traverse as each of the claims of Groups II to V share features recited in claim 1, and the apparatus claims of Group IV contain elements corresponding to the steps of the method claims of Group I.

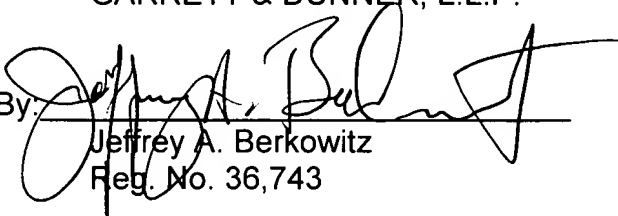
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2004

By:



Jeffrey A. Berkowitz  
Reg. No. 36,743